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November 29, 2022

BY ECF

Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007

**Re: United States v. Pierre Girgis
22 Cr. 006 (KPF)**

Dear Judge Failla:

On behalf of the parties, we write to respectfully update the Court regarding the status of discovery in this case and to propose a motion schedule for the defense's anticipated motion to compel certain documents and other items material to Mr. Girgis's defense and motion preparation, including materials implicating the propriety of electronic surveillance conducted pursuant to the Foreign Intelligence Surveillance Act (FISA) (*see* DE #11 (government's FISA notice)).

The defense continues to review the voluminous discovery already produced to date, which includes hundreds of recorded telephone calls in Egyptian Arabic. As part of this ongoing review, on October 15, 2022, the defense sent the government a request for additional discovery pursuant to Fed. R. Crim. P. 16 and *Brady v. Maryland*, 373 U.S. 83 (1963). The requested materials included unredacted copies of certain discovery the government has already disclosed. The materials sought are pertinent to the defense's anticipated motions pursuant to Fed. R. Crim. P. 12 and *Franks v. Delaware*, 438 U.S. 154 (1978).

As of the date of this letter, the government has represented to defense counsel that, while it will work to provide certain of the requested information and additional discovery not yet produced, it anticipates opposing certain of the defense's discovery requests. In addition, following conversations with the relevant components of the Department of Justice, the government is requesting at least 75 days to respond to any motion to compel implicating FISA materials.

Given this ongoing review of discovery, the government's anticipated time frame to respond to the defense's outstanding discovery requests, and lead defense counsel's trial schedule in United States v. Saipov, 17 Cr. 722 (VSB), the parties have conferred and respectfully propose the following schedule for the defense's anticipated motion to

compel:

Defense Motion to Compel – due Friday, March 31, 2023
Government Response – due Friday, June 16, 2023
Defense Reply – due Friday, July 14, 2023

Lastly, in light of the foregoing, the government moves, with the defense's consent, for the exclusion of time under 18 U.S.C. § 3161(h)(7)(A), as this additional period of delay is necessary to allow the parties to continue resolving discovery disputes and for the defense to prepare its anticipated motion to compel.

Respectfully Submitted,

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